



Department for Transport

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To: National Highways

Date: 22 December 2021

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways (“the Applicant”) for an Order granting Development Consent to authorise the widening of an approximately 20.6km stretch of the existing A1 between Morpeth to Ellingham, with approximately 14.5km of online widening and approximately 6.1km of new offline highway.

REQUEST FOR COMMENTS FROM NATIONAL HIGHWAYS

1. Update to Environmental Information

The Secretary of State invites the Applicant to update its response of 12 November 2021 to provide (or, to the extent that it has already been provided, identify) its assessment of the cumulative effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Roads Investment Strategy RIS 1 and RIS 2 at a national level).

This should: take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets/budgets where they exist and how the assessment complies with these (including the carbon budgets, the 2050 zero target under the Climate Change Act 2008, and the UK’s Nationally Determined Contribution under

the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations.

The Secretary of State would also welcome confirmation that the response to all parts of this question has been prepared by a competent expert. Please can links be provided to any documents referenced and their relevance fully explained.

2. Article 14(2) and (3)

The Secretary of State notes that when the roads in Part 1 of Schedule 3 become trunk roads, the roads in Part 3 will be de-trunked automatically, but that the final part of paragraph (2) suggests that the de-trunked roads will only vest in the local highway authority if that authority considers them to be in a reasonably satisfactory state of repair. This could create a scenario where a road is de-trunked but does not vest in the local highway authority.

In contrast, paragraph (3) automatically vests a de-trunked highway in the local highway authority, without reference to state of repair.

Please could the Applicant confirm the intended approach?

3. Article 31

The Secretary of State notes that a number of DCOs contain two additional provisions when modifying Part 1 of the Land Compensation Act 1961:

- “In section 11A (powers of entry: further notice of entry)—
- (a) in subsection (1)(a), after “land” insert “under that provision”; and
 - (b) in subsection (2), after “land” insert “under that provision”.”

And

- “In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—
- (c) for paragraphs 1(2) and 14(2) substitute—
- “(2) But see article [**] (acquisition of subsoil and airspace only) of the [**] Development Consent Order [**], which excludes the acquisition of subsoil or airspace only from this Schedule.”;

Please could the applicant confirm that the omission of these provisions was deliberate.

4. Work No 5b

The Secretary of State notes that in paragraph 2.5.6 of the [Applicant's response](#) the track length of option 5B(c) is 807 metres but the draft wording in paragraph 2.5.7 notes 552 metres.

Please could the Applicant confirm the correct measurement?

5. Paragraph 1 of Schedule 2

The Secretary of State notes the definition of Landscape and ecological management plan proposed by the applicant in its response (dated November 2021) to his request for comments set out in the letter dated 29 October 2021. The proposed definition refers to “the Scheme” as opposed to “the authorised development”.

Please could the Applicant advise whether its proposed definition should refer to “the authorised development”?

6. Paragraph 10 of Schedule 2

The Secretary of State notes that paragraph 10(1) refers to Historic Record Reference 16878 as a non-designated milestone, but that the Historic England Website provides the following reference: “Medieval fishpond and post medieval stack stands survive as earthworks and are visible on air photographs”.

Please could the Applicant confirm that the reference to Historic Record Reference 16878 is correct?

7. Part 1 of Schedule 3

The Secretary of State notes that grid references are missing from the second entry in Part 1 of Schedule 3 of the draft DCO.

Please could the Applicant provide grid references for this entry or explain why these have not been included?

8. Part 3 of Schedule 4

The Secretary of State notes that in column 2, entries 17, 18 and 19 refer to two sets of grid reference points but say “Access located at” rather than “between”.

Please could the Applicant advise whether the entries should read “at” or “between”?

9. Part 1 of Schedule 5

The Secretary of State notes that the Key to the Plans include the word “(footpath)” and is therefore minded to insert “(footpath)” into the Note to Schedule as shown below:

“Except for the first entry (Low Espley), the extent of the temporary prohibitions on vehicular traffic and pedestrians set out in the table in Part 2 of this Schedule are identified on the relevant sheet of the rights of way and access plans as “public right of way (footpath) to be stopped up”

Please could the Applicant confirm whether the Key to Plans include the word “(footpath)”?

10. Part 2 of Schedule 5

The Secretary of State notes that in column 3, a number of the entries are unclear, in particular entries 2 and 4. Entry 6 also refers to “a diversion route from point PR 9/1 and PR 2/1”, which would be a considerable distance and, in column 2, refers to points 9/h and 9/i on Sheet 9, neither of which can be located on the deadline 10 plans.

Please could the Applicant review the entries, correct any errors and consider using clearer wording?

11. Part 1 of Schedule 9

The Secretary of State notes that in column 1, entries 11, 16, 17 and 22 refer to two sets of grid reference points but say “Hedgerow located at” rather than “between”.

Please could the Applicant advise whether the entries should read “at” or “between”?

12. Part 4 of Schedule 10

The Secretary of State notes that paragraph 8(1) only applies to Part one of the Schedule.

Please could the Applicant confirm whether the reference to paragraph 8(1) in section 2 under the heading “Removal of apparatus” should be a reference to paragraph 29 (1)?

The Deadline for a response is **19 January 2022**

Responses to the matters outlined in this letter should be submitted by email to A1inNorthumberland@planninginspectorate.gov.uk. Given the coronavirus (COVID19) emergency, the Planning Inspectorate is currently unable to accept hard copies of consultation responses.

Your response will be published on the project page for the A1 in Northumberland: Morpeth to Ellingham on the Planning Inspectorate website as soon as possible after the above deadline for response at:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a1-in-northumberland-morpeth-to-ellingham/>

This letter is without prejudice to the Secretary of State’s decision whether or not to grant development consent for the A1 in Northumberland: Morpeth to Ellingham and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Kevin O'Hanlon